

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

MARCELLUS A. JONES,

Plaintiff

v.

JOHN WETZEL, ET AL.,

Defendants

:
:
:
:
:
:
:
:
:
:
:

CIVIL NO. 4:CV-13-1400

(Judge Brann)

ORDER

January 27, 2014

In accordance with the accompanying Memorandum, **IT IS HEREBY**

ORDERED THAT:

1. Defendants' unopposed motion to dismiss (Doc. 11) is
PARTIALLY GRANTED.
2. Jones' damage claims brought against the individual
Defendants in their official capacities are **DISMISSED** as
being barred by the Eleventh Amendment.
3. Superintendent Wetzel, Chief Grievance Officer Varner,
Superintendent Bickell, Captains Walters and Harris are

GRANTED entry of dismissal on the basis of lack of personal involvement.

4. Defendant Showalter's request for dismissal on the basis of lack of personal involvement and the request to dismiss the excessive force claims are **DENIED**.
5. Dismissal is **GRANTED** with respect to Plaintiff's claims of denial of personal hygiene products, and conspiracy.
6. Plaintiff's ADA and negligence claims are sua sponte **DISMISSED**.
7. The excessive force claims against Defendants Showalter, Long, Fogle, Cherry, Boal and Nelson will proceed.

BY THE COURT:

s/Matthew W. Brann
Matthew W. Brann
United States District Judge